

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ORLANDO GODOY, NEREYDA PENA, AUGUSTINA
PICHARDO, VERONICA AZZALINI, BEHZAD PASDAR,
JAIME ALVAREZ, JAIR SALINAS, and SEETA ROJHA,

Plaintiffs,

07 Civ 7287 (DAB)

-against-

**NOTICE OF MOTION
TO DISMISS FIRST
AMENDED COMPLAINT**

RESTAURANT OPPORTUNITY CENTER OF NEW
YORK, INC.; 417 RESTAURANT LLC a/k/a ROC NY
RESTAURANT LLC d/b/a COLORS; ROC-NY WORKER
OWNER RESTAURANT, LLC a/k/a RWOR; SARU
JAYARAMAN; and GRACE GILBERT (or her
successor), as President of ROC-NY,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Daniel E. Clifton, dated October 12, 2007, with attached exhibits, and the supporting memorandum of law, defendants Restaurant Opportunities Center of New York, Inc., 417 Lafayette Restaurant LLC, ROC-NY Worker Owner Restaurant LLC, Saru Jayaraman, and Grace Gilbert, as President of ROC-NY, will move this court before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order, pursuant to Fed.R.Civ. P. 12(b)(6), dismissing plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted, and for such other relief as may be appropriate.

Dated: New York, New York
October 12, 2007

LEWIS, CLIFTON & NIKOLAIDIS, P.C.

By: _____
Daniel E. Clifton (DC 0632)
Attorneys for defendants

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